IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO. 120 of 2005

Shyam Sunder Hari Shankar Gupta .. Applicant.

versus

Hari Shankar Jyoti Prasad .. Respondent

...

Mr.B.P. Pandey for the applicant.

None for the respondents

CORAM : B.H. MARLAPALLE,J

DATED : 12th September 2005.

P.C.:

1. Heard the learned counsel for the petitioner defendant who is the son of the plaintiff. In S.C. Suit no.8 of 2004, the preliminary issue regarding jurisdiction of the City Civil Court was raised and it has been answered against the defendant by an impugned order dated 7th July 2005.

2. The Court below has considered the scheme of Section 33 of the Maharashtra Rent Control Act 1999

and recorded a finding that the relief sought for in the suit was neither for recovery of rent or possession of the suit premises and the suit has been filed for declaration of the plaintiff as the tenant of the suit premises and the permanent injunction against the defendant. The reasoning given by the trial Court cannot be termed as erroneous so as to entertain this appeal.

3. The learned counsel for the appellant then agitated another issue regarding non-rejoinder of necessary parties. Such an issue has to be considered during the trial of the suit along with the other issues.

4. Civil Revision Application is rejected summarily.

B.H. MARLAPALLE, J